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## *Legal Historical Research in Belgium (2015)*

**Key words:** conference, publication, legal history, Belgium, doctoral defences.

**Słowa kluczowe:** konferencja, publikacja, historia prawa, Belgia, obrony doktoratów.

### Introduction

This contribution provides an outline of the most important accomplishments in Belgian legal historical research in 2015, in terms of conferences, publications, and Ph.D. defences. Three preliminary remarks are necessary. First, this contribution does not aim to be an exhaustive overview of all publications. Secondly, given the international nature of current academic research, it is almost impossible to separate Belgian legal historical work from events in European legal history and even beyond. Therefore, the focus will be only on those conferences and projects organized or edited by legal historians active at Belgian universities. Thirdly, although I tried to take into account the French speaking universities of Belgium as well, I am more familiar with the Flemish ones.

### Conferences

Several legal historical conferences took place in Belgium in the year 2015.

On 25<sup>th</sup>–26<sup>th</sup> February international scholars in different fields of research gathered at the KU Leuven for a conference on *Honour and the Law* organized by Prof. Dr. M. Storme and Prof. Dr. W. Decock (both of KU Leuven) on the occasion of the awarding of an honorary doctorate to Prof. Dr. James Q. Whitman of Yale University. It led to interesting debates among legal historians, *i.a.* on the influence of honour on the law of insolvency and the law of war.

On 30<sup>th</sup> April the Royal Military School, the Archives of the State, and the Université Catholique de Louvain invited specialists to Brussels for a one-day conference on sources and research perspectives concerning the military justice system.

On 21<sup>st</sup>–22<sup>nd</sup> May Prof. Dr. D. De Ruyscher (Vrije Universiteit Brussel) organized an international workshop on *The Small, Medium-Sized, and Large Company in Law and Economic Practices (Middle Ages – Nineteenth Century)* in Brussels.

On the same days 500 years after the start of the personal government of Charles V and in light of the recent succession to the Belgian throne of King Philip, the Université Saint-Louis in Brussels organized a conference on the transmission of monarchic power from the Middle Ages to the present.

From 28<sup>th</sup> to 30<sup>th</sup> May the FWO Research Network on ‘Structural Determinants of Economic Performance in the Roman World’ gathered specialists in Brussels for a conference on *Capital, Investment, and Innovation in the Roman World*.

On 13<sup>th</sup> September on the occasion of the bicentennial of the Constitution of the United Kingdom of the Netherlands (1815) the Royal Flemish Academy of Belgium for Sciences and Arts, and the Montesquieu Institute invited Belgian and Dutch legal historical scholars specializing in constitutional history to Brussels for a very enriching conference.

On 29<sup>th</sup> October Prof. Dr. J. Halpérin was awarded the Sarton-Medal by the University of Ghent and gave a lecture on *Returning to the Primacy of Statutory Law in Legal History*.

On 20<sup>th</sup> November, the Brussels’ campus of the KU Leuven celebrated the 10<sup>th</sup> anniversary of the Constant Matheeußen Chair<sup>1</sup>, named after a deceased professor of legal history. The conference focused particularly on the history and future of social security legislation.

Finally, on 3<sup>rd</sup>–4<sup>th</sup> December CEGESOMA (the Center for Historical Research and Documentation on War and Contemporary Society) organized a conference in Brussels on *Doing Justice in Wartime, Multiple Interplays between Justice and Populations during the Two World Wars*. War and periods of occupation very often lead to changes in terms of legal practice.

## Publications

Belgian legal historians have been very active in 2015. This contribution will only list books on legal history and will therefore not focus on the many articles that have been written as well. Given the very diverse topics, I have opted to put them in alphabetical order by author.

Prof. Dr. P. Arnade and Em. Prof. Dr. W. Prevenier focused on the rich stories that can be found in letters from convicted criminals in which pardon by the Burgundian monarchs is asked for (*Onze gratie en genade. Misdaad en vergiffenis in de Bourgondische Nederlanden*, Houtekiet/Omniboek 2015).

Dr. J. Campion and Prof. Dr. X. Rousseaux edited a book on the way in which police systems adapt their regulatory frameworks, structures, and practices in order to respond

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<sup>1</sup> This chair is not dedicated exclusively to legal history. Each year, another theme is dealt with. Themes vary and concern all possible fields of law.

to new threats and risks (*Policing New Risks in Modern European History*, Palgrave/Mac Millan 2015).

The KU Leuven researchers Dr. R. Ceulemans and Prof. Dr. P. De Leemans edited *On ood Authority. Tradition, Compilation and the Construction of Authority in Literature from Antiquity to the Renaissance* (Brepols 2015), an interdisciplinary project on the construction of authority in literature, including legal literature.

One of the most important works of 2015 is undoubtedly the new encyclopedia on the history of the Belgian justice system, containing 28 contributions and edited by Dr. M. De Koster, Prof. Dr. D. Heirbaut, and Prof. Dr. X. Rousseaux (*Tweehonderd jaar justitie. Historische encyclopedie van de Belgische justitie – Deux siècles de justice. Encyclopédie historique de la justice belge*, die Keure 2015).

R. Delafontaine wrote a monograph on historians as expert judicial witnesses in tobacco-related litigation in the United States, focusing on 314 legal cases between 1986 and 2014 (*Historians as Expert Judicial Witnesses in Tobacco Litigation. A Controversial Legal Practice*, Springer 2015).

Dr. B. Delbecke and Dr. B. Debaenst edited a volume on political crimes and the protection of Belgian political structures. It reflects the results of a conference in 2013 (*Malcontenten van de moderniteit. Het politiek misdrijf en de bescherming van de politieke structuren in België (1831–2015)*, Academia Press 2015).

Prof. Dr. D. De Ruysscher, K. Cappelle, M. Colette, B. Deseure, and G. Van Assche, all attached to the Vrije Universiteit Brussel, edited a volume covering many different legal historical topics, and reflecting the breadth of Belgian and Dutch research. It contains publications in Dutch, French, and English by young legal historical scholars (*Rechtsgeschiedenis op nieuwe wegen – Legal History, Moving in New Directions*, Maklu 2015).

Prof. Dr. F. Dhondt published his very well-documented Ph.D. thesis on Franco-British diplomacy after the Peace of Utrecht in 1713 (*Balance of Power and Norm Hierarchy: Franco-British Diplomacy after the Peace of Utrecht*, Brill 2015).

A legal system centered on the state, the creation of general national laws, and the marginalization of non-legal norms are relatively new evolutions. Dr. S. Donlan and Prof. Dr. D. Heirbaut edited a very interesting volume on legal hybridity and jurisdictional complexity in different legal traditions, with several contributions by Belgian legal historians (*The Laws' Many Bodies. Studies in Legal Hybridity and Jurisdictional Complexity, c. 1600–1900*, Duncker & Humblot 2015).

R. Parmentier published a monograph on the history of criminal justice in the city of Namur during a very unstable period characterized by a constant threat of war (*Juger en temps de troubles. Justice pénale et criminalité à Namur au temps des 'Malheurs' (1650–1700)*, Presses Universitaires de Louvain 2015).

Dr. F. Verleden published his Ph.D. thesis on the inherent tension in the Belgian political system between participatory on the one hand and the theoretical freedom of parliamentarians on the other hand (*Vertegenwoordigers van de Natie in partijdienst. De verhouding tussen de Belgische politieke partijen en hun parlementsleden (1918–1970)*, Inni Publishers 2015).

Dr. A. Verscuren also published her Ph.D. thesis in 2015. It focused on the Great Council of Malines in the 18<sup>th</sup> century and analyzes the Council's internal organiza-

tion and staff policy as well as its position within the broader society of the Austrian Netherlands (*The Great Council of Malines in the 18<sup>th</sup> Century. An Aging Court in a Changing World?*, Springer 2015).

The first edition of the English translation of Prof. Dr. L. Waelkens' textbook on Roman law was published in Leuven. This book provides an introduction to the history of Roman law and its institutions from Antiquity until the 19<sup>th</sup> century. Importantly, for instance, it focuses on the origins of fundamental rights and freedoms, as well as on more traditional topics of Roman private and procedural law (*Amne adverso. Roman Legal Heritage in European Culture*, Leuven University Press 2015).

Finally, a volume was edited on accounts as a source for the history of social control. It is the result of a 2012 conference, organized by the Archives of the State (A. Wirth-Jaillard, N. Demaret, A. Musin, E. Bodart, X. Rousseaux, *Monuments ou documents? Les comptabilités comme source pour l'histoire du contrôle social (XIII<sup>e</sup>–XVIII<sup>e</sup> siècle)*, Archives générales du Royaume 2015).

## Doctoral defences

At least two researchers received their Ph.Ds. in legal historical topics in the course of 2015.

On 20 March 2015, Marie Van Eeckenrode received a Ph.D. degree from the Université catholique de Louvain in Louvain-la-Neuve for her thesis on the assembly of the States of Hainaut (*Les Etats de Hainaut: servir le prince, représenter le pays. Une assemblée dans les allées du pouvoir, ca. 1400–1550*).

Dimitri Roden successfully defended his Ph.D. on 12 June 2015 at the Universiteit Gent. His research focused on the German military justice system within Belgium under German occupation from 1940 to 1944 (*In naam van het Duitse volk! Het Duitse krijgs-gerecht en de openbare orde in bezet België, 1940–1944*).